

## **Constitutional Authority Statements**

*September 21, 2011*

*On January 5, 2011, the House adopted a new rule requiring each bill or joint resolution introduced be accompanied by a Constitutional Authority Statement. RSC Staff have compiled the Statements for every bill and joint resolution introduced this Congress (3042 bills as of September 16, 2011). Selected findings are below:*

- ❖ 3 bills cite only the Preamble to the Constitution.
- ❖ 84 bills cite only Article 1, which creates the Legislative Branch.
- ❖ 58 bills cite only Article 1, Section 1, which grants all legislative powers to Congress.
- ❖ 470 bills cite only Article 1, Section 8, which is the list of specific powers of Congress, without citing any specific clause.
- ❖ 539 bills cite Article 1, Section 8, Clause 1, which grants Congress its taxing power and contains the “general welfare” and “common defense” language.
- ❖ 567 bills cite Article 1, Section 8, Clause 3, the commerce clause.
- ❖ 247 bills cite Article 1, Section 8, Clause 18, the “necessary and proper” clause, without citing a “foregoing power” as required by clause 18.
- ❖ 309 bills cite two or more of the “general welfare” clause, commerce clause, or the “necessary and proper” clause.
- ❖ 87 bills cite Article 1, Section 9, Clause 7, which provides that no money shall be drawn from the Treasury, but in consequence of appropriations made by law.
- ❖ 210 bills cite Article 4, Section 3, which provides that Congress shall have the power to make rules and regulations respecting the territory or property of the United States.
- ❖ 252 bills cite an amendment to the Constitution. For example, 54 cite the 10<sup>th</sup> Amendment (powers not delegated to the federal government), 30 cite the 14<sup>th</sup> Amendment (“equal protection, etc.”), and 64 cite the 16<sup>th</sup> Amendment (income tax).

***Please note: Some bills cite numerous sections of or amendments to the Constitution, and may be listed more than once above.***

Additional analyses of the Constitutional Authority Statements are available from RSC Staff at the request of an RSC office.